

Attachment to Independent Case Review Report
for CDRU # 967 Case File # 95-295395.

Material Examiner Malone (RQ)

Remarks:

After research it has been determined that the dictation of Examiner Malone (RQ) is missing/incomplete from the case file at the time of review by the Independent Scientist.

CRM - 10955

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 7:45 AM (Time), 09/15/99 (Date)

File #: 95-295395

Laboratory #(s): 01011032

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	X	<input type="checkbox"/>	<u>PR</u>	<input type="checkbox"/>	X
<u>WP</u>	<input type="checkbox"/>	X	_____	<input type="checkbox"/>	<input type="checkbox"/>
<u>NC</u>	<input type="checkbox"/>	X	_____	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): Unknown Pages: 23

Laboratory Report(s):

Laboratory Number: 01011032 Date: July 10, 1991

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: RQ and some unknown technicians

Laboratory Number: 01011032

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Initials: SMA

CRM - 10956

Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: Submitting agency letter dated Oct 5, 1990

Results of Review

File #: 95-295395 Item or Specimen # Reviewed: Q1, Q5-Q33, Q36, Q39, Q40,

Q42-Q46, K1-K3

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
 - 4) Testimony consistent with the bench notes? Yes No Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials: SM

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-295395

#1. There is insufficient documentation to determine if the hair comparisons were performed in a scientifically acceptable manner.

#2. The notes do not adequately document the work performed. All notes are in pencil, the date of the examinations is not marked, there are some erasures and abbreviations are used that are difficult to interpret. None of the hair examined are fully characterized as to their microscopic characteristics. The examiner apparently compared the Q hair to the K hair without fully characterizing the individual microscopic characteristics of any hair.

A Textile Fiber Comparison worksheet has the data from the examination of the rope fibers. This worksheet is not dated or initialled.

Review completed at: 9:30 AM (Time), 9/15/99 (Date)

Total time spent conducting review (to nearest 1/4 hour):

1 3/4 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts
(Signature)

9-15-99
(Date)

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Initials: SR

Additional Comments
(Set forth by question #, if applicable)

File #: 95-295395

The examiner chose to perform solubility testing on the rope fibers. Infrared analysis, available in the FBI Lab at this time, is more specific and is the preferred method of identifying polymer composition of synthetic fibers.

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Initials: JM